

## **OFFICE OF EXECUTIVE POLICY AND PROGRAMS NEWS MEDIA CONTACTS AND FOIA REQUESTS**

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

### **I. Policy**

The Governor's Office plays a key role in central state government and is often critically involved in a wide range of issues that face the state. It is critical to the Agency's mission that the news media and public receive timely and accurate information about the activities of the Governor's Office.

Employees of the Governor's Office are instructed to use extreme care to avoid disclosing any confidential or nonpublic information.

### **II. News Media Contacts**

The responsibility for providing information to the news media and public rests with the Press Office and those individuals within that office, or other offices, who have been designated. If contacted directly by the news media, either by telephone or in person, you should refer the caller to the Press Office immediately. On occasion you may be asked to provide information to the news media or the public; however, data should not be provided directly to any outside source without the express knowledge and approval of the Press Office.

### **III. Freedom of Information Act (FOIA) Requests**

Freedom of Information Act requests from the news media and the public are also coordinated by the Press Office. All Freedom of Information Act requests should be immediately forwarded to the Press Office.

This policy applies to you in your official capacity as an employee of the Governor's Office. This policy does not prohibit an employee from exercising his or her freedom of speech as a private citizen on matters of public concern.

#### **IV. Disclosure of Applicant Information**

In accordance with the South Carolina Freedom of Information Act (FOIA), S.C. Code Section 30-4-10 et. seq. a amended, public bodies must make available to a requestor under the OIA the total number of applicants who applied for a specific employment position. In addition, public bodies must disclose all materials gathered during the employment search for not fewer than the final three applicants under consideration for any type of position. These procedures are intended to facilitate compliance with these amendments.

- A. Collection of Applicant Information The Human Resources Office is designated as the centralized office to process FOIA requests concerning applicant information. The Human Resources Office will receive all FOIA requests for applicant information within the agency and be responsible for all correspondence to and from the agency regarding those FOIA requests.

Once the position is filled or applications are no longer being accepted for that position, the applications shall be grouped together, with the total number of applications accepted maintained in an applicant log.

Once all applications have been gathered for a position and all interviews have been completed, the hiring authority must identify not fewer than the final three applicants for the position and notify the Human Resources Office on the Justification Summary Sheet as to that identification.

The following is a list of materials that generally should be gathered for an applicant: application/ resume, reference checks, SLED checks, and confirmation of salary for a State employee.

The following is a list of some materials to gather, dependent upon the specific position being filled: school transcripts, driver's license records, proficiency test scores (e.g., word processing and typing tests), writing samples, and interview notes.

Any materials gathered to make a hiring decision may be subject to disclosure under the FOIA. Notes taken during the search to fill an employment position should be job-related as they are also subject to the FOIA.

- B. FOIA Request for Applicant Information The Human Resources Office will require all requests for information concerning applicants to be in writing.

When the Human Resources Office receives a written request under the FOIA for information concerning an applicant, the Human Resources Office will respond in writing to the request within fifteen (15) days (excepting Saturdays, Sundays and legal public holidays). Information in the response should include a summary of any information that will be provided under the request, a summary of any information that will not be disclosed and the reasons therefore, an estimate of the fees that will be charged, and any deposit, if necessary, to be made by the requester.

The Human Resources Office will assemble all materials, regardless of their form or location, that were gathered in the search to fill the employment position.

The Human Resources Administrator or his/her designee will determine which information to disclose under the FOIA request. The applicant's social security number, medical records, and tax information are exempt from disclosure by the FOIA. Each FOIA request will be examined on a case-by-case basis for determining which information will be disclosed or not disclosed under the Freedom of Information Act. In determining what information to disclose under section 30-4-40(a)(2) of the FOIA, the Human Resources Office should weigh the privacy interests of the applicant against the public's interest in disclosure. Depending on the specific situation, the following information should be evaluated to determine whether its disclosure would constitute an unreasonable invasion of personal privacy under section 30-4-40(a)(2): unlisted phone numbers, salaries, criminal convictions, Family Independence Act (FIA) information, reasons for job terminations, SLED check information, reference letters, disability status, and driver's license numbers and records. Prior to release of any information under the policy, the legal counsel for the Budget and Control Board and/or Governor's Office will be consulted.

## **V. Charges for FOIA Requests**

FOIA requests should be answered without charge when the request will benefit the public interest and requires minimal and/or a reasonable amount of employee time and photocopying expense.

For requests which require substantial employee time for searching and/or photocopying, etc., a reasonable charge may be assessed the person or organization requesting the information.

Constitutional officers, members of the General Assembly, and other state agencies shall not be charged for information or records released under the FOIA.

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